THE HON'BLE SRI JUSTICE C.V. RAMULU

Tuesday, the 1st day of May,2007

W.P.No.18428 of 1998

Between:-

M. Balaji Rao & another … Petitioner

and

The Chairman & Managing
Director, Singareni Collieries
Co.Ltd., Kothagudem, Khammam
District and another … Respondents

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ORAL ORDER:

This Writ Petition is filed seeking a Mandamus declaring the action of the respondents in asking the petitioners to retire from service without giving them the benefit of extended age of superannuation as arbitrary and illegal and consequently to direct the respondents to retain and continue the petitioners in service till they attain the age of 60 years.

It appears, petitioners were working as Executive Engineers with the 1st respondent-organization. It is their case that they are eligible to be continued upto the age of 60 years; whereas, they are sought to be retired at the age of 58 years. It is asserted that Government of India had taken a decision on 19-5-1998 enhancing the age of superannuation of the employees from 58 to 60 years. Following this, the Coal India Limited, which is the main organization of all the coal companies, has taken a decision on 27-5-1998, wherein the age of superannuation of all the Executive Officers had been enhanced to 60 years. It is also stated that the decision of the Government of India for enhancement of age of superannuation has been followed by all the public sector undertakings. However, the respondent-company has not taken any action in that direction.

In fact, at the time of admission of Writ Petition on 8-7-1998, this Court in W.P.M.P.No.21965 of 1998 made it clear that the instructions

issued by the Government of India have no application to the employees of the 1st respondent-company, as the State Government owns 51% of the shares in the company.

Now, it is stated by the learned counsel for the 1st respondent that any instructions issued by the Central Government have no application unless they are adopted by the company.

In this case, the instructions issued by the Government of India enhancing the age of superannuation of the employees from 58 to 60 years have not been adopted by the respondent-company. Therefore, the Writ Petition is devoid of any merit and is liable to be dismissed.

Accordingly, the Writ Petition is dismissed. No order as to costs.

01-5-2007

Prk